

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUBEN PABLO, BONNIE COURSEY, and
JOHN BAHR,

Plaintiffs,

v.

SERVICEMASTER GLOBAL HOLDINGS,
INC., et al.,

Defendants.

No. C 08-03894 SI

VERDICT FORMS
(COURT DRAFT)

Instructions: Three verdict forms are below, one for each plaintiff. Please read the questions carefully. After answering each question, read the directions directly following the question to find out whether to proceed to the next question, or to skip to a question later in the form.

Verdict Form for Plaintiff John Bahr

1. Did defendants prove, by a preponderance of the evidence, that plaintiff John Bahr customarily and regularly worked more than half the working time away from the defendants' place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities?

☐ Yes ☐ No

If Yes, skip to Question 14.
If No, proceed to Question 2.

Overtime Claim

2. Did plaintiff John Bahr prove, by a preponderance of the evidence, that he worked over 8 hours per day or 40 hours per week?

☐ Yes ☐ No

If Yes, proceed to Question 3.
If No, skip to Question 5.

3. Did defendants pay plaintiff John Bahr lower than the legal overtime compensation rate for any overtime hours that he worked?

☐ Yes ☐ No

If Yes, proceed to Question 4.
If No, skip to Question

4. What is the amount of overtime wages owed to plaintiff John Bahr by defendants?

\$ _____

Proceed to Question 5.

Meal and Rest Break Claim

5. Did plaintiff John Bahr prove, by a preponderance of the evidence, that defendants failed to provide him with one or more 30 minute duty-free meal periods during any 5-hour work period?

☐ Yes ☐ No

If Yes, proceed to Question 6.

If No, skip to Question 7.

6. What is the number of times that plaintiff John Bahr was not provided with a meal period that he was owed?

Proceed to Question 7.

7. Did plaintiff John Bahr prove, by a preponderance of the evidence, that defendants failed to provide him with one or more duty-free rest periods during any four-hour work period?

☐ Yes ☐ No

If Yes, proceed to Question 8.

If No, skip to Question 9.

8. What is the number of times that plaintiff John Bahr was not provided with a rest period that he was owed?

Proceed to Question 9.

Itemized Wage Statement Claim

9. Did plaintiff John Bahr prove, by a preponderance of the evidence, that defendants knowingly

and intentionally failed to furnish to him one or more accurate itemized statements in writing showing the total hours he worked?

☐ Yes ☐ No

If Yes, proceed to question 10.

If No, skip to question 11.

10. How many pay periods did defendants fail to furnish plaintiff John Bahr with accurate itemized statements in writing showing the total hours he worked?

Waiting Time Penalties

11. Did plaintiff John Bahr prove, by a preponderance of the evidence, that defendants willfully failed to pay him the amount of wages due to him at the time his employment with defendants ended?

☐ Yes ☐ No

If Yes, proceed to question 12.

If No, skip to question 14.

12. For how many calender days following plaintiff John Bahr's last day of employment did defendants willfully fail to pay the full amount of his wages?

13. What was plaintiff John Bahr's daily wage rate at the time his employment ended?

\$_____ per day.

Reimbursement for Necessary Work Expenditures Claim

14. Did plaintiff John Bahr prove, by a preponderance of the evidence, that defendants failed to reimburse him for necessary work expenditures that he incurred?

☐ Yes ☐ No

If Yes, proceed to question 15.

If No, skip to the signature line.

15. What is the amount of necessary business expenditures for which plaintiff John Bahr was not reimbursed?

\$_____

You are now finished with plaintiff John Bahr's verdict form. Please have the presiding juror sign on the below and proceed to the next verdict form.

Signed _____
Presiding Juror

Dated: _____

Verdict Form for Plaintiff Ruben Pablo

1. Did defendants prove, by a preponderance of the evidence, that plaintiff Ruben Pablo customarily and regularly worked more than half the working time away from the defendants'

place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities?

☐ Yes ☐ No

If Yes, skip to Question 14.

If No, proceed to Question 2.

Overtime Claim

2. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that he worked over 8 hours per day or 40 hours per week?

☐ Yes ☐ No

If Yes, proceed to Question 3.

If No, skip to Question 5.

3. Did defendants pay plaintiff Ruben Pablo lower than the legal overtime compensation rate for any overtime hours that he worked?

☐ Yes ☐ No

If Yes, proceed to Question 4.

If No, skip to Question

4. What is the amount of overtime wages owed to plaintiff Ruben Pablo by defendants?

\$_____

Proceed to Question 5.

Meal and Rest Break Claim

5. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that defendants failed to provide him with one or more 30 minute duty-free meal periods during any 5-hour work period?

☐ Yes ☐ No

If Yes, proceed to Question 6.

If No, skip to Question 7.

6. What is the number of times that plaintiff Ruben Pablo was not provided with a meal period that he was owed?

Proceed to Question 7.

7. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that defendants failed to provide him with one or more duty-free rest periods during any four-hour work period?

☐ Yes ☐ No

If Yes, proceed to Question 8.

If No, skip to Question 9.

8. What is the number of times that plaintiff Ruben Pablo was not provided with a rest period that he was owed?

Proceed to Question 9.

Itemized Wage Statement Claim

9. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that defendants knowingly and intentionally failed to furnish to him one or more accurate itemized statements in writing showing the total hours he worked?

☐ Yes ☐ No

If Yes, proceed to question 10.

If No, skip to question 11.

10. How many pay periods did defendants fail to furnish plaintiff Ruben Pablo with accurate itemized statements in writing showing the total hours he worked?

Waiting Time Penalties

11. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that defendants willfully failed to pay him the amount of wages due to him at the time his employment with defendants ended?

☐ Yes ☐ No

If Yes, proceed to question 12.

If No, skip to question 14.

12. For how many calender days following plaintiff Ruben Pablo's last day of employment did defendants willfully fail to pay the full amount of his wages?

13. What was plaintiff Ruben Pablo's daily wage rate at the time his employment ended?

\$_____ per day.

Reimbursement for Necessary Work Expenditures Claim

14. Did plaintiff Ruben Pablo prove, by a preponderance of the evidence, that defendants failed to reimburse him for necessary work expenditures that he incurred?

☐ Yes ☐ No

If Yes, proceed to question 15.

If No, skip to the signature line.

15. What is the amount of necessary business expenditures for which plaintiff Ruben Pablo was not reimbursed?

\$_____

You are now finished with plaintiff Ruben Pablo's verdict form. Please have the presiding juror sign on the line below and proceed to the next verdict form (for plaintiff Bonnie Coursey).

Signed _____
Presiding Juror

Dated: __

Verdict Form for Plaintiff Bonnie Coursey

1. Did defendants prove, by a preponderance of the evidence, that plaintiff Bonnie Coursey customarily and regularly worked more than half the working time away from the defendants' place of business selling tangible or intangible items or obtaining orders or contracts for

products, services or use of facilities?

☐ Yes ☐ No

If Yes, skip to Question 14.

If No, proceed to Question 2.

Overtime Claim

2. Did plaintiff Bonnie Coursey prove by a preponderance of the evidence that he worked over 8 hours per day or 40 hours per week?

☐ Yes ☐ No

If Yes, proceed to Question 3.

If No, skip to Question 5.

3. Did defendants pay plaintiff Bonnie Coursey lower than the legal overtime compensation rate for any overtime hours that he worked?

☐ Yes ☐ No

If Yes, proceed to Question 4.

If No, skip to Question

4. What is the amount of overtime wages owed to plaintiff Bonnie Coursey by defendants?

\$ _____

Proceed to Question 5.

Meal and Rest Break Claim

5. Did plaintiff Bonnie Coursey prove, by a preponderance of the evidence, that defendants failed to provide him with one or more 30 minute duty-free meal periods during any 5-hour work period?

☐ Yes ☐ No

If Yes, proceed to Question 6.

If No, skip to Question 7.

6. What is the number of times that plaintiff Bonnie Coursey was not provided with a meal period that he was owed?

Proceed to Question 7.

7. Did plaintiff Bonnie Coursey prove, by a preponderance of the evidence, that defendants failed to provide him with one or more duty-free rest periods during any four-hour work period?

☐ Yes ☐ No

If Yes, proceed to Question 8.

If No, skip to Question 9.

8. What is the number of times that plaintiff Bonnie Coursey was not provided with a rest period that he was owed?

Proceed to Question 9.

Itemized Wage Statement Claim

9. Did plaintiff Bonnie Coursey prove, by a preponderance of the evidence, that defendants knowingly and intentionally failed to furnish to him one or more accurate itemized statements in writing showing the total hours he worked?

☐ Yes ☐ No

If Yes, proceed to question 10.

If No, skip to question 11.

10. How many pay periods did defendants fail to furnish plaintiff Bonnie Coursey with accurate itemized statements in writing showing the total hours he worked?

Waiting Time Penalties

11. Did plaintiff Bonnie Coursey prove, by a preponderance of the evidence, that defendants willfully failed to pay him the amount of wages due to him at the time his employment with defendants ended?

☐ Yes ☐ No

If Yes, proceed to question 12.

If No, skip to question 14.

12. For how many calender days following plaintiff Bonnie Coursey's last day of employment did defendants willfully fail to pay the full amount of his wages?

13. What was plaintiff Bonnie Coursey's daily wage rate at the time his employment ended?

\$_____ per day.

Reimbursement for Necessary Work Expenditures Claim

14. Did plaintiff Bonnie Coursey prove, by a preponderance of the evidence, that defendants failed to reimburse him for necessary work expenditures that he incurred?

☐ Yes ☐ No

If Yes, proceed to question 15.

If No, skip to the signature line.

15. What is the amount of necessary business expenditures for which plaintiff Bonnie Coursey was not reimbursed?

\$_____

There are no more questions. Please have the presiding juror sign on the line below and let the courtroom deputy know that you have reached a verdict.

Signed _____
Presiding Juror

Dated: __